

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00100-MR**

JESSE L. SHOOK,

Plaintiff,

vs.

CHARLES J. MCNALLY, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court sua sponte. The Plaintiff is proceeding in forma pauperis. [Doc. 9].

The incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Mountain View Correctional Institution. [Doc. 1]. The Complaint has not yet been screened for frivolity.

The Plaintiff has now filed an “Amendment” and a “Memorandum of Law Brief” that appear to be attempts to amend the Complaint on a piecemeal basis. [Docs. 6-7]. This will not be allowed and these documents will be stricken. However, the Plaintiff will be granted the opportunity to amend the Complaint within 30 days of this Order, if he wishes to do so. Any Amended Complaint will be subject to all timeliness and procedural

requirements and will supersede the Complaint. Should the Plaintiff fail to comply with this Order, the Court will proceed on the Complaint [Doc. 1] as originally filed.

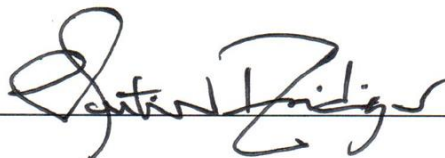
IT IS THEREFORE ORDERED that:

1. The Plaintiff's "Amendment" [Doc. 6] and "Memorandum of Law Brief" [Doc. 7] are **STRICKEN**.
2. The Plaintiff may file an Amended Complaint within **thirty (30) days** of this Order. The Amended Complaint will be subject to all timeliness and procedural requirements and will supersede the Complaint. Piecemeal amendment will not be permitted. Should Plaintiff fail to timely amend his Complaint, the Court will proceed on the Complaint [Doc. 1].

The Clerk is respectfully instructed to mail Plaintiff a blank prisoner § 1983 form and a copy of this Order.

IT IS SO ORDERED.

Signed: June 10, 2024



Martin Reidinger
Chief United States District Judge

